

City Council Regular Meeting Minutes for March 28, 2016

Call to Order by Mayor Peter Christie at 6:30PM

Invocation was given by Pastor Liz Wagner, Presbyterian Church of Bella Vista

Pledge of Allegiance was recited by all.

Mayor Christie read a Proclamation declaring Bella Vista as a "Purple Heart City" in recognition of the sacrifices of many residents of Bella Vista that had been wounded or killed serving in the Armed Forces of the United States. At this point the Mayor introduced Chuck Adkins, Jr. Senior Vice- Commander, Military Order of the Purple Heart of Arkansas who explained the meaning and purpose of this designation. He introduced Buzz Slaybaugh, Department Commander who made the presentation of the Purple Heart City plaque to Mayor Christie. The plaque and proclamation will be displayed in City Hall.

Roll Call of Council; Clerk Jertson called the roll, Alderman Morgan, Alderman Flynn, Alderman Anderson, Alderman Wilson, Alderman King and Alderman Wozniak all present.

Citizen Input: Roger Norbeck, 61 Portsmouth Dr spoke about the Ordinance concerning Accessory Structures. He is very interested in controlling the size of these buildings.

Donna Meyers, 85 Dogwood Dr spoke about concerns she has about the planned PZD on Dogwood Dr. concerning traffic counts and boundaries of the property involved in this development.

Linda Lloyd, 102 Fairway spoke about her concerns relating to the Ordinance regarding accessory structures in Bella Vista. She expressed her feelings that this proposed ordinance is too restrictive for larger properties such as her property. She urged the council to look at this some more.

Paul Burris, 67 Dogwood Dr spoke about the PZD on Dogwood Dr. He feels that the present plans are better because of the concerns brought up by the residents. He urged that a deeper look be given to this PZD.

Gene Groseclus spoke on behalf of Cooper Communities concerning the PZD. He feels that Cooper has worked very hard to try to deal with the concerns that have been expressed. He asked that the council suspend the rules and move to third and final reading and approve the development of this project.

At his point Tom Richards asked if the council would suspend the 3 minute rule and let him speak for himself and his wife for about 4 minutes. A motion was made by Alderman Morgan, seconded by Alderman King to suspend the rules and allow this presentation to be done. Roll call vote was taken and approved by a vote of 6 ayes, 0 nays.

Tom Richards, 63 Dogwood Dr. spoke about the Dogwood PZD. He reviewed the actions that have been done by the City and the Planning department. He expressed concern about the destruction of mature trees and a concern that the PZD may well be turned over to another entity to complete it's development. He asked that the third reading be allowed to take place at next months meeting.

Jim Parsons, 29 Duvall Lane spoke as the Chairman of the Bella Vista Patriots. He started by complementing the Mayor and the City Council. He then spoke about the need to try to do away with the ACC (Architectural Control Committee). His feeling is that the City planning department can handle

this and the ACC causes too many issues for citizens in Bella Vista. He asked for the city to join with the Patriots in getting rid of the ACC.

Tom Carroll, 62 Portsmouth spoke about the accessory buildings ordinance that is coming this evening. He expressed that some control is really necessary to protect the city with these types of developments. He also talked about the need to have concrete curb and gutter in the city.

Approve the Minutes from the Feb. 22nd 2016 meeting. Moved by Alderman Anderson, second by Alderman Flynn to approve. Show of hands vote, 6 ayes, 0 nays.

Approve the Financial Report for Feb. Motion by Alderman Anderson, second by Alderman Flynn. Show of hands vote resulted in 6 ayes, 0 nays.

Motion to suspend the rules and read all proposed ordinances and resolutions by title only. Motion made by Alderman Flynn second by Alderman Morgan. Roll Call vote taken and approved by 6 ayes, 0 nays.

ORDINANCE NO-2016-07- AMENDING THE CITY OF BELLA VISTA ZONING ORDINANCE AND MAP BY REZONING CERTAIN LANDS COMMONLY KNOWN AS BENTON COUNTY PARCELS 16-70216-002 AND 16-70226-001 FROM R-1 (RESIDENTIAL SINGLE FAMILY) AND A PORTION OF BENTON COUNTY PARCEL 16-70222-000 FROM P-1 (OPEN SPACE) TO PZD (PLANNED ZONING DISTRICT) FOR THE COUNTRY CLUB VILLAS DEVELOPMENT, AND FOR OTHER PURPOSES.(Second Reading)
Alderman Wozniak asked a question about the road condition after the construction is done. Planning Director Suneson explained what the situation is with the roads as far as the ordinance is concerned. The developer must bring the road up to 20 feet of pavement and 1 foot shoulder. Questions were also asked about the traffic count that was offered. The planning department is against making the road wider than the 40 foot width. After much discussion the Mayor asked that an amendment be added to the ordinance as follows;

AMENDMENT TO PROPOSED PZD ORDINANCE REQUESTED BY MAYOR

Motion to Amend the proposed ordinance by adding an emergency clause at the end, which shall read as follows:

“Section 13. EMERGENCY CLAUSE. The need to immediately approve this planned zoning district is crucial to the economic and commercial interests of the City. Therefore, an emergency is hereby declared to exist, and this Ordinance being immediately necessary for the preservation of the public peace, health, and safety shall become effective upon its passage as provided by law.”

AND

Amending the Title to read as follows:

“AN ORDINANCE AMENDING THE CITY OF BELLA VISTA ZONING ORDINANCE AND MAP BY REZONING CERTAIN LANDS COMMONLY KNOWN AS BENTON COUNTY PARCELS 16-70216-002 AND 16-70226-001 FROM R-1 (RESIDENTIAL SINGLE FAMILY) AND A PORTION OF BENTON COUNTY PARCEL 16-70222-000 FROM P-1 (OPEN SPACE) TO PZD (PLANNED ZONING DISTRICT) FOR THE COUNTRY CLUB VILLAS DEVELOPMENT, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES”

Motion made by Alderman Flynn to Amend, second by Alderman Anderson. Roll Call Vote- Flynn- yes, Wozniak- no, Anderson- yes, King- yes, Wilson- yes, Morgan- no. Carried 4 ayes, 2 nays.

Motion to suspend rules and move to third and final reading made by Alderman Flynn, second by Anderson. Roll call vote; King- Yes, Wilson- no, Morgan- no Flynn- yes, Wozniak- no, Anderson- yes. Mayor voted to approve. Carried 4 ayes, 3 nays.

The Mayor then read the Ordinance with the amended title. Motion to Approve the Ordinance as amended by Alderman Flynn, second by Alderman Anderson. Roll call vote Morgan- no, Flynn- yes, Wozniak- no, Anderson- yes, King- yes, Wilson- no Mayor voted yes. Amended Ordinance Approved. The Mayor then asked for a motion to approve the emergency clause, Motion made by Alderman Flynn, seconded by Alderman Wozniak. Morgan- yes, Flynn- yes, Wozniak- no, Anderson- no, Wilson- no, King- no. Emergency clause fails. Ordinance takes effect in 60 days.

ORDINANCE NO- AN ORDINANCE AMENDING SECTION 18-20(b) OF THE MUNICIPAL CODE REGULATING THE DUMPING OF TREE CUTTINGS AND OTHER MATERIALS, AND FOR OTHER PURPOSES. **First Reading- Move to 2nd reading.**

ORDINANCE NO- AMENDING SECTION 2-106 OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO LIMIT THE SUBJECTS OF CALLED SPECIAL MEETINGS OF THE CITY COUNCIL. **First Reading- Move to 2nd reading.**

ORDINANCE NO- AMENDING SECTION 103-48(c) OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA CONCERNING KEY BOX REQUIREMENTS. **First Reading- Move to 2nd reading.**

ORDINANCE NO- AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 109-166 REGULATING ACCESSORY STRUCTURES AND SECTION 109-248 REGULATING FENCE LOCATION, AND FOR OTHER PURPOSES. **First Reading**

Alderman Flynn offered an amendment to the proposed ordinance which he explained. After discussion a motion to amend was made by Alderman Flynn, second by Wilson. More discussion was held and some concerns were expressed about clarification of the amended ordinance. At this point a vote was taken on the motion to amend. Voting Aye; Flynn, Voting Nay: Morgan, Anderson, King, Wilson, Wozniak. Amendment Failed. **Move to Second Reading.**

R2016-12-RESOLUTION- AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH A&B CONSTRUCTION IN THE AMOUNT OF \$178,720.00, PLUS A THREE PERCENT (3%) CONTINGENCY, FOR THE CONSTRUCTION OF A SAND/SALT STORAGE BUILDING AT THE NEW STREET DEPARTMENT FACILITY. Motion to Approve by Alderman Anderson, second by Alderman Wozniak. Roll call vote resulted in 6 ayes, 0 nays. Approved.

R2016-13-RESOLUTION- APPROVING APPOINTMENTS TO THE BELLA VISTA ARTS COUNCIL. Motion to approve by Alderman Wozniak, second by Alderman Wilson. Vote was 6 Ayes, 0 Nays. Approved.

R2016-14-RESOLUTION- RENAMING NORTH RAMWORTH LANE TO WILMS LANE AND SOUTH RAMWORTH LANE TO HUTCHINSON LANE, AND FOR OTHER PURPOSES. Motion to approve by Alderman Wozniak, second by Alderman Morgan. Vote was 6 ayes, 0 nays. Approved.

R2016-15-RESOLUTION- AMENDING THE 2016 CITY BUDGET TO TRANSFER \$6,633.34 IN UNRESTRICTED REVENUE FROM STREET DEPARTMENT ACCOUNT #50-50500 TO LIBRARY ACCOUNT #60-57400 TO FUND THE PURCHASE OF A TELEPHONE SYSTEM FOR THE BELLA VISTA PUBLIC LIBRARY. Motion to approve by Alderman Wozniak, second by Alderman Morgan. Approved by vote of 6 ayes, 0 nays.

R2016-16-RESOLUTION- APPROVING BELLA VISTA POLICE DEPARTMENT POLICIES REGARDING A SUSPECT IDENTIFICATION PROCESS AND NON-CONSENSUAL TOWING. Motion by Alderman King, second by Alderman Wilson to approve. Vote was 6 ayes, 0 nays. Approved.

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Monday April 18, 2016 at 5:30PM in the City Hall Conference Room.
- The next Regular meeting of the City Council, Monday April 25, 2016 at 6:30 PM at the Bella Vista American Legion Hall.
- Planning Commission Work Session will be Thursday March 31, 2016 at 4:30PM in the City Hall conference room.
- Planning Commission Regular Meeting will be April 11, 2016 at 6:45PM in the City Hall conference room.
- Public Safety Committee Meeting will be May 11, 2016 at 9:00AM in the City Hall Conference room.

Meeting Adjourned by Mayor Christie at 7:56PM

City Clerk Wayne Jertson

Mayor Peter Christie